

NATURE OF CHARGE: That prior to December 20, 1945, and until the time the complaint was filed, the defendant had been holding quantities of *sulfadiazine tablets*, *sulfathiazole tablets*, and *Nembutal (pentobarbital sodium) Capsules* which had been shipped in interstate commerce in containers labeled in accordance with the law; and that within the period of December 20, 1945, to January 17, 1946, the defendant had repacked a portion of the drugs into unlabeled containers, which act of repacking resulted in the misbranding of the drugs in the following respects: Section 502 (b) (1), the drugs failed to bear labels containing the name and place of business of the manufacturer, packer, or distributor; Section 502 (b) (2), they failed to bear labels containing accurate statements of the quantity of the contents; Section 502 (e), they failed to bear labels declaring their common or usual name; Section 502 (d), the *Nembutal Capsules* failed to bear a label containing the name and quantity or proportion of barbituric acid contained in the product and, in juxtaposition therewith, the statement, "Warning—may be habit forming"; and, Section 502 (f) (2), the drugs were without labeling bearing adequate warnings against use in those pathological conditions, or by children, wherein the use of the drug might be dangerous to health, or against unsafe dosage or methods or duration of administration.

The complaint charged further that the drugs were made for use by or under the supervision of physicians or dentists and were exempted from the requirements of the law that their labeling bear adequate directions for use; but that the acts of the defendant had caused the exemption to expire, resulting in the misbranding of the drug in violation of Section 502 (f) (1) for failure to bear such directions for use.

PRAYER OF COMPLAINT: That a temporary restraining order issue; that, after due hearing, a preliminary injunction be granted; and that, after due proceedings, the preliminary injunction be made permanent.

DISPOSITION: April 5, 1946. The defendant having consented to the entry of a decree, the court entered an order permanently enjoining the defendant from the commission of the acts complained of.

1855. Misbranding of sulfathiazole tablets. U. S. v. Emmons Blane Coffee (Coffee's Drug Store). Plea of guilty. Defendant fined \$500 and placed on probation for 2 years. (F. D. C. No. 16597. Sample Nos. 34410-F, 64238-F.)

INFORMATION FILED: January 2, 1946, Middle District of Georgia, against Emmons Blane Coffee, trading as Coffee's Drug Store, Columbus, Ga.

INTERSTATE SHIPMENT: On or about November 8, 1944, from Kalamazoo, Mich.

LABEL, IN PART: "1000 Compressed Tablets Sulfathiazole Upjohn 7 7/10 Grains (0.5 Gm.) 2-Sulfanilyl Aminoethiazole * * * Caution: To be used only by or on the prescription of a physician."

NATURE OF CHARGE: On or about November 22 and December 14, 1944, the defendant removed a number of *sulfathiazole tablets* from the bottles labeled as above, repacked them into unlabeled boxes, and sold them without a prescription.

The information charged further that the acts of the defendant resulted in the misbranding of the drug in the following respects: Section 502 (f) (1), the boxes containing the drug bore no labeling containing directions for use; and, Section 502 (f) (2), they bore no labeling containing warnings against use in those pathological conditions wherein use of the drug might be dangerous to health, or against unsafe dosage and methods and duration of administration.

DISPOSITION: March 4, 1946. A plea of guilty having been entered, the defendant was sentenced to pay a fine of \$500 on count 1 of the information and to serve 2 years on probation on all counts, on condition that he pay the fine.

1856. Misbranding of sulfathiazole tablets. U. S. v. Henry C. Smith, Sr. (H. C. Smith's Drug Store). Plea of nolo contendere. Fine, \$200. (F. D. C. No. 16598. Sample Nos. 34415-F, 64095-F.)

INFORMATION FILED: January 2, 1946, Middle District of Georgia, against Henry C. Smith, Sr., trading as H. C. Smith's Drug Store, Columbus, Ga.

INTERSTATE SHIPMENT: Between the approximate dates of February 15 and November 20, 1944, from Bristol, Tenn.

LABEL, IN PART: "1000 Tablets Sulfathiazole 0.5 Gm Grooved Each tablet contains Sulfathiazole (2 Sulfanilyl Aminoethiazole), 0.5 Gm. (7.7 grs.) * * * Caution: To be used only by or on the prescription of a physician."

NATURE OF CHARGE: That on or about December 14 and 15, 1944, the defendant removed a number of *sulfathiazole tablets* from the bottles labeled as above,

repacked the tablets into boxes labeled "Sulfathiazole" or "Sulfathiazole Tab—0.5 Mg.," and sold them without a prescription.

The information charged further that the acts of the defendant resulted in the misbranding of the drug in the following respects: Section 502 (f) (1), the box containing the drug bore no labeling containing directions for use; and, Section 502 (f) (2), the box bore no labeling containing warnings against use of the drug in those pathological conditions wherein its use might be dangerous to health, or against unsafe dosage and methods and duration of administration.

DISPOSITION: February 7, 1946. A plea of *nolo contendere* having been entered, the court imposed a fine of \$200.

1857. Misbranding of sulfathiazole tablets. U. S. v. Robert G. Wheeler (Wheeler's Cut Rate Drug Store). Plea of guilty. Fine, \$200 on count 1; 2 years' probation on counts 2 and 3. (F. D. C. No. 16601. Sample Nos. 34412-F, 64093-F, 64213-F.)

INFORMATION FILED: January 2, 1946, Middle District of Georgia, against Robert G. Wheeler, trading as Wheeler's Cut Rate Drug Store, at Columbus, Ga.

INTERSTATE SHIPMENT: Between the approximate dates of October 2 and 27, 1944, from Detroit, Mich.

LABEL, IN PART: "1000 C. T. No. 796 Sulfathiazole 2-Sulfanilyl Aminothiazole Compressed Tablets 0.5 Gram (7.7 Grains) Caution: To be used only by or on the prescription of a physician."

NATURE OF CHARGE: That on or about November 22 and December 13 and 14, 1944, the defendant removed a number of the *sulfathiazole tablets* from the bottles in which they were shipped, repacked a number of the tablets into boxes bearing the label "Sulfathiazole Tab 7-7 Gr." or "Sulfathiazole Tablets," and sold them without a prescription.

The information charged further that the acts of the defendant resulted in the misbranding of the drug in the following respects: Section 502 (f) (1), the boxes containing the tablets bore no labeling containing directions for use; and, Section 502 (f) (2), the boxes bore no labeling containing warnings against use of the drug in those pathological conditions wherein its use might be dangerous to health, or against unsafe dosage and methods and duration of administration.

DISPOSITION: March 4, 1946. A plea of guilty having been entered, the court imposed a fine of \$200 on count 1 of the information and placed the defendant on probation for 2 years with respect to counts 2 and 3.

1858. Misbranding of sulfanilamide tablets. U. S. v. Hawkins Cut Rate Drug Co. and Luther O. Hawkins. Pleas of *nolo contendere*. Company fined \$300; individual defendant sentenced to 6 months in jail, which sentence was suspended for a period of 2 years. (F. D. C. No. 17776. Sample Nos. 64219-F to 64221-F.)

INFORMATION FILED: October 31, 1945, Western District of North Carolina, against the Hawkins Cut Rate Drug Co., a corporation, Statesville, N. C., and Luther O. Hawkins, president of the corporation.

INTERSTATE SHIPMENT: Between the approximate dates of April 11 and August 25, 1944, from New York, N. Y.

LABEL, IN PART: "APC Standard Of Quality 1000 Tablets Sulfanilamide (p-amino-benzene-sulfonamide) 5 Grains (0.324 Gram) Warning—To be used only under physician's direction."

NATURE OF CHARGE: That on or about December 2 and 4, 1944, the defendants caused a number of *sulfanilamide tablets* to be removed from the bottles labeled as above, repacked them into unlabeled boxes, and sold them without a prescription.

The information charged further that the acts of the defendants resulted in the misbranding of the drug in the following respects: Section 502 (f) (1), the boxes containing the drug bore no labeling containing directions for use; and, Section 502 (f) (2), they bore no labeling containing warnings against use of the drug in those pathological conditions wherein its use might be dangerous to health, or against unsafe dosage and methods and duration of administration.

DISPOSITION: April 2, 1946. Pleas of *nolo contendere* having been entered, the court imposed a fine of \$300 against the corporation and sentenced the individual defendant to serve 6 months in jail. The jail sentence was suspended for a period of 2 years.